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*Steering Committee Co-Chairs for All
Plaintiffs in Consolidated Action*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE META PIXEL TAX FILING CASES

Master File No. 3:22-cv-07557-SI

PUTATIVE CLASS ACTION

JOINT STATUS REPORT

This Document Relates To:

Case No. 3:22-cv-07557-SI, All Actions

Date: May 4, 2023

Time: 12:00 p.m.

Location: Zoom Webinar

Judge: Hon. Susan Illston

Action Filed: December 1, 2022

CASE STATUS

At the March 31, 2023 hearing on Plaintiffs’ motion to appoint interim class counsel, Judge Illston directed the parties to this action (the “parties”) to attend the April 20, 2023 discovery conference before Magistrate Judge DeMarchi in *In re Meta Pixel Healthcare Litigation*, 3:22-cv-3580-WHO (the “Healthcare Matter”). Judge Illston then set a further status conference for May 4, 2023, and directed the parties to file a joint status report a week prior. The parties set forth below a summary of (i) their meet and confer efforts; and (ii) the April 20 discovery conference before Judge DeMarchi. In addition, Meta addresses its proposal for coordinated discovery across this matter, the Healthcare Matter, and *Gershzon v. Meta*, No. 3:23-cv-00083-SI (“*Gershzon*”) (collectively, the “Meta Pixel Cases”). Plaintiffs provide a brief response below.

Discovery has not begun in this action. Interim class counsel must file a Consolidated Complaint by May 15, 2023. Meta anticipates filing a motion to dismiss the Consolidated Complaint.

In preparation for the April 20 discovery conference, the parties met and conferred on April 10 and April 12, 2023 regarding data preservation, the Protective Order, the ESI Protocol, the 502(d)/Clawback Order, and Meta’s proposal to coordinate discovery across the Meta Pixel Cases. At Judge DeMarchi’s direction, Dkt. 47, the parties filed a Joint Statement on April 13, 2023 outlining their respective positions on these issues. Dkt. 51.

1. SUMMARY OF THE APRIL 20 CONFERENCE BEFORE JUDGE DEMARCHI

Meta and plaintiffs for all the Meta Pixel Cases attended the April 20, 2023 discovery conference before Judge DeMarchi. Judge DeMarchi suggested that one set of discovery documents (Protective Order, ESI Protocol, Rule 502(d)/Clawback Order) be entered in all the Meta Pixel Cases and directed the parties to submit proposed final versions of the documents by the dates set forth below. Dkt. 57. If the parties are unable to agree on final language for any of the documents, they will submit competing drafts and explain the nature of the disagreement(s).

Submission Deadline (<i>See</i> Dkt. 57)	Pleading
April 27, 2023	Rule 502(d)/Clawback Order
May 4, 2023	Protective Order
May 9, 2023	ESI Protocol

With respect to document and data preservation, Judge DeMarchi directed the parties to continue to confer, noting that the discussions should focus on the relevant data sources.

Judge DeMarchi also ordered Meta and plaintiffs for the Meta Pixel Cases to attend a further discovery conference on a mutually-agreed-upon date in late May or early June to discuss (i) discovery coordination across the Meta Pixel Cases; and (ii) potential interim discovery deadlines. Dkt. 57. In preparation for this conference, Judge DeMarchi ordered the parties to continue to meet and confer regarding discovery coordination and jointly file their respective proposals one week in advance of the conference.

2. COORDINATING DISCOVERY AMONG THE META PIXEL CASES

Meta's Position:

As Judge DeMarchi noted during the April 20 conference, coordinating discovery across the Meta Pixel Cases is both an efficient manner to proceed with discovery, and is necessary to avoid duplication of efforts and inconsistencies in the resolutions of discovery disputes. Coordination will benefit the Court and the parties. Recognizing the need to avoid inefficiencies and undue burden, Judge DeMarchi directed the parties to consider the discovery needs common to all of the Meta Pixel Cases and to confer about a framework for coordination.

Meta believes the discovery proposal it set forth in the April 13, 2023 Joint Statement in this action, Dkt. 51, is reasonable and consistent with the guidance Judge DeMarchi provided at the April 20 conference. Consistent with Judge DeMarchi's instruction, Meta will continue to meet and confer with Plaintiffs in the hope of finding a mutually agreeable framework for coordinated discovery across the Meta Pixel Cases, which the parties can then present to Judge DeMarchi at the further conference in late May or early June.

1 **Plaintiffs' Position:**

2 Plaintiffs respectfully disagree with Meta's coordinated discovery proposal for the reasons
3 set forth in the April 13 Joint Statement, Dkt. 51, and the plaintiffs in the Healthcare and *Gershzon*
4 matters filed their own objections to Meta's proposal too. *See* Healthcare Matter, Dkt. 211;
5 *Gershzon*, Dkt. 38. As required by Judge DeMarchi's April 20, 2023 Order (Dkt. 57), Plaintiffs
6 are evaluating options for coordination that do not come at the cost of prejudicing the plaintiffs in
7 the Meta Pixel Cases. They intend to continue meeting and conferring on that subject in advance
8 of the conference that Judge DeMarchi set to address that issue (which will be scheduled on either
9 May 23, May 23, or June 1).

1 Dated: April 27, 2023

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1 Dated: April 27, 2023

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CIVIL L.R. 5-1(h)(3) ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I, Lauren R. Goldman, hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained from all signatories.

Dated: April 27, 2023

By: /s/Lauren R. Goldman
Lauren R. Goldman